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EMAIL REGARDING PROPOSED APPLICABLE OR RELEVANT AND APPROPRIATE
REQUIREMENTS FOR PROPOSED PLAN AND FEASIBILITY STUDY NETC NEWPORT RI
4/16/2012
RHODE ISLAND DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Ropp, Jim

From: Pamela Crump <pamela.crump@DEM.RI.GOV>
Sent: Monday, April 16, 2012 1:41 PM
To: Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE; lombardo.ginny@epa.gov
Cc: Ropp, Jim; Gary Jablonski
Subject: RE: NUSC Proposed Plan and FS extensions requested

Categories: Newport

Maritza,

During the conference call on April 5, 2012, RIDEM proposed that the Navy include three ARARs as stated in our comments on April 4, 2012. These ARARs are:

- a) Environmental Land Use Restrictions, RI Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases, Section 8.09 – Institutional Controls
- b) Standards for Owners and Operators of Hazardous Waste TSD Facilities, RI Rules and Regulations for Hazardous Waste Management, Section 8.0
- c) Rhode Island Oil Pollution Control Regulations

We did not agree on whether or not these should be included as ARARs in the FS. I had stated that I would discuss these further internally and get back to you. After these internal discussions, RIDEM still believes that these three ARARs should be included in this FS for the reasons stated below.

- a) ELURs - These regulations contain language that is applicable to RIDEM's regulation of this Site that must be included in the ROD. ELURs were not included as an ARAR for OFFTA because the Navy had stated that these requirements would be included in the LUC RD. However, as we have seen in the LUC RD for OFFTA, it does not give EPA and RIDEM authority to review and approve any modifications to the remedy proposed for the Site. This lack of approval authority by the regulators could have serious consequences to human health and the environment.
- b) Hazardous Waste Regs - The RIDEM Hazardous Waste Regulations were included in the ROD for McAllister Point Landfill since it was a site in which there was indication of disposal of hazardous waste. The NUSC site includes Building 185, which stored hazardous waste. Also, the paint can area was considered a disposal area of hazardous waste. Therefore, it is RIDEM's position that these regulations are applicable and must be included in this FS.
- c) RI Oil Pollution Control Regs - These regulations are applicable to any petroleum releases to the waters of the State, including groundwater. Since the NUSC site had releases of TPH, these regulations are applicable. Please include this as an ARAR in this FS.

In addition, the Navy will have to provide documentation that this Site is no longer a TSD facility under the Federal or State regulatory requirements. If this is the case, this Site will be closed out in accordance with both the Federal and State RCRA regulatory requirements, as well as CERCLA and

the associated State regulations such as RIDEM's Remediation Regulations and the Underground Injection Control regulation (for any UICs associated with Building 185 and any other areas).

If you have any questions regarding this email, please feel free to contact me at anytime.

Pamela E. Crump, EIT

Sanitary Engineer

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-----Original Message-----

From: Montegross, Maritza L CIV NAVFAC MIDLANT, IPTNE

[\[mailto:maritza.montegross@navy.mil\]](mailto:maritza.montegross@navy.mil)

Sent: Thursday, April 12, 2012 12:51 PM

To: Pamela Crump; lombardo.ginny@epa.gov

Cc: Ropp, Jim

Subject: NUSC Proposed Plan and FS extensions requested

Importance: High

Hi Pam (and Ginny):

I'm headed out the door in a moment to enjoy what remains of my son's spring break. So I thought it would be easier if I just send you an email. Sorry I don't have the time to do this more formally.

As you know, we have a very tight schedule for NUSC if we are to get the ROD signed by 9/30/2012. To make such a date, I had to move up the issuance of the Draft PP to run parallel to the development and finalization of the FS which per my FFA schedule is due out Sunday 4/15.

It is my understanding from Tim, that the meeting held yesterday btwn our supervisors went well; Tim is under the impression that all remaining issues at NUSC have been resolved sufficiently for us to move forward at NUSC, but unfortunately until those meeting minutes are published/finalized/confirmed it is not in time to issue the NUSC Draft PP out by this Sunday. [Briefly what was agreed: one more naphthalene location (the 20); we will improve/clarify the TPH text that says we are developing remediation goals, taking confirmation samples and removing TPH contaminated soils following RIDEM state oil regulations while conducting the

CERCLA cleanup efforts but that TPH is not an ARAR; the ELUR is not an ARAR because transfer is not part of the remedy, but we will include language in the FS, PP and ROD that discusses LUCs when the site is transferred; RCRA TSD regs don't apply because site is not an active TSD facility.] Therefore, what I would like to do to prevent missing the ROD date but still get your involvement in the process is:

1) Get a one day extension to issue the draft PP. I will hold off on sending the Draft PP until Monday 4/16 close of business (COB). Monday morning, we need you to confirm if you heard positive feedback on the meeting. Since the PP is a small document, the 1 day extension should not impact the remainder of the PP/ROD schedule.

2) On Monday COB, we will also issue as planned our written response to your remaining concerns on the FS which should help in your review of the draft PP.

3) Currently, the Draft Final FS is due out this Monday 4/16, but if we issued it you would not have had time to review our responses. To give you time to review our responses to your remaining FS concerns (which of course impacts the PP too), we ask for a 4 day extension to issue the Draft Final FS on Friday 4/20. The extra 4 days is also necessary for our contractor to make the changes to the FS that resulted from the agreement reached during yesterdays' meeting.

We don't believe any of these extensions will impact the ROD.

I will be back in the office on Monday, but feel free to call my cell between now and then if you need to speak to me directly.

Have a great weekend.

R/Maritza